



**TO:** Solid and Hazardous Waste Commissioners

**FROM:** The Hazardous Materials and Waste Management Division  
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Joe Schieffelin, Solid Waste Program Manager

**DATE:** Feb 2, 2016

**SUBJECT:** Solid and Hazardous Waste Program Newsletter

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### Commission Schedule Update

Included below is the current Solid and Hazardous Waste Commission (Commission) meeting schedule and work plan. The schedule includes both informational briefings and rulemakings as we know them now.

#### **Solid and Hazardous Waste Commission Rulemaking Agenda Docket and Schedule**

	2016	2017
<b>February</b>	<ul style="list-style-type: none"><li>• Rulemaking, Changes necessitated by federal "Definition of Solid Waste" Rule (HW)</li><li>• Rulemaking, Correction to Part 261.5, CESQG requirements (HW)</li><li>• Rulemaking, Changes to Spill Notification Requirements (HW)</li><li>• Rulemaking, Public Notice Updates (HW)</li><li>• Rulemaking, Procedural Rules of the Hazardous and Solid Waste Commission</li><li>• <a href="#">Informational Briefing, Commission Fees for 2016-2017</a></li><li>• <a href="#">Informational Briefing, Medication Take-back Program</a></li></ul>	<ul style="list-style-type: none"><li>•</li></ul>
<b>May</b>	<p><b>ANNUAL MEETING</b></p> <ul style="list-style-type: none"><li>• Rulemaking, Commission Fees (HW)</li><li>• Rulemaking, Medication Take-back Program</li><li>• <a href="#">Informational Briefing, Hazardous Substances Response Fund (SW, Superfund)</a></li><li>• <a href="#">Informational Briefing, Coal Combustion Residuals, Part 19 (SW)</a></li></ul>	<ul style="list-style-type: none"><li>•</li></ul>

	<ul style="list-style-type: none"> <li>• <a href="#">Water treatment plant residuals (SW)</a></li> </ul>	
<b>August</b>	<ul style="list-style-type: none"> <li>• Rulemaking, Coal Combustion Residuals, Part 129 (SW)</li> <li>• Rulemaking, Water Treatment Plant Residuals (repeal) (SW)</li> <li>• <a href="#">Informational Briefing, Composting (SW)</a></li> <li>• <a href="#">Informational Briefing, Waste Tires (SW)</a></li> </ul>	
<b>November</b>	<ul style="list-style-type: none"> <li>• Rulemaking, Public Composting, Part 14 (SW)</li> <li>• Rulemaking, Waste Tires, Part 10 (SW)</li> <li>• </li> </ul>	

## [Proposed February, 2016 Commission Meeting Agenda](#)

### Rulemaking #1, Modifications to Parts 261, 262, 264, 265, 99 and 100, Spill

Notification Requirements: This rulemaking proposes modifications to Parts 261, 262, 264, 265, 99 and 100 of the Colorado Hazardous Waste Regulations (6 CCR 1007-3).

The change would require persons who spill or discharge regulated hazardous wastes to notify the department of the release and remediate the release within 15 days of the release date. Currently the regulations do not have a requirement for regulated facilities to notify the Department of such a release or to clean up the release in a timely manner. Requiring notification will allow the department to work more quickly with a facility and help minimize or eliminate longer-term impacts to environmental media.

### Rulemaking #2, Modifications to Part 260 and Part 261, Definition of Solid Waste Rule:

This rulemaking proposes to modify Parts 260 and 261 of the Colorado Hazardous Waste Regulations (6 CCR 1007-3) to provide state equivalency with the federal provisions of the January 2015 Definition of Solid Waste Rule [80 FR 1694-1814, January 13, 2015]. The new rule includes 1) the prohibition of sham recycling and the definition of legitimate recycling (including the definition of “contained”); 2) accumulation date tracking requirements for speculative accumulation provisions; and 3) changes to the standards and criteria for the solid waste variance and non-waste determinations.

Rulemaking #3, Amendment of Part 261, Section 261.5, Special Requirements for Hazardous Waste Generated by Conditionally-Exempt Small Quantity Generators: This rule making proposes to modify Section 261.5 of the Colorado Hazardous Waste Regulations (6 CCR 1007-3). The purpose of the proposed amendment is to correct an inconsistency in paragraph (b) of §261.5 of the Colorado Hazardous Waste Regulations that was created when amendments to the Part 263 Transfer Facility regulations were adopted by the Solid and Hazardous Waste Commission on May 18, 2010. As part of the Part 263 amendments, a new paragraph (b) was added to §263.10, which specifies that transfer facilities handling only conditionally exempt small quantity generator (CESQG) waste are subject to the requirements of Subparts A (General Requirements),

C (Hazardous Waste Discharges), D (Spills at Transfer Facilities) and E (Closure of a Transfer Facility). Transfer facilities handling only CESQG waste are not subject to the manifest requirements in Subpart B. Pursuant to the current wording §261.5(b), CESQG waste would not be subject to the Part 263 regulations. This amendment corrects this unintended omission in the regulations and provides consistency with the Part 263 requirements.

Rulemaking #4, Modifications and Updates to Section 100.503(c), Public Involvement: This rulemaking proposes modifications and additions to Section 100.503 of the Colorado Hazardous Waste Regulations (6 CCR 1007-3). The proposed amendments will expand and modernize the methods by which the department must notify the public about certain hazardous waste permitting activities by adding the requirement that such notices be published to the department's and division's website and Facebook pages.

Rulemaking #5, Procedural Rules: This rulemaking proposes modifications and updates to the procedural rules by which the Solid and Hazardous Waste Commission ("Commission") conducts its meetings, formal rulemakings, reviews of administrative penalties and informal hearings. The rules also set forth any prehearing proceedings and procedures that the Commission may impose. The rules are intended to assure that such procedures and hearings before the Commission are fair and impartial, comply with the requirements of the Colorado Administrative Procedures Act, Sections 24-4-101, et seq., C.R.S., the Colorado Hazardous Waste Act, Sections 25-15-301, et seq., C.R.S., and the Solid Waste Disposal Sites and Facilities Act, Sections 30-20-101 et seq., foster substantive discussion on the issues, and minimize burdensome procedures. These proposed procedural rules will fully replace the current rules.

## 2016 Legislative Developments

The next legislative session began January 13, 2016. We are aware of possible legislation concerning recycling and a certification program similar to our meth lab cleanup contractor certification program for indoor pesticide use.

## Project Updates

This newsletter focuses on accomplishments and recent changes to the Solid Waste Compliance Assurance Unit supervised by Ed Smith.

This unit is responsible for conducting compliance inspections throughout the state of Colorado. The number and types of facilities that are subject to the Solid Waste Sites and Facilities regulations and Solid Waste Statute are very diverse and includes landfills, commercial oil and gas exploration and production (E&P) produced water facilities, composting facilities, surface impoundments that are used for the management of solid waste, and medical waste facilities, among others. Most of these facilities operate in accordance with an Engineering Design and Operations Plan, which serves as a permit for the facility, along with a Certificate of Designation that is issued by the local governing authority.

In addition to conducting inspections at the above permitted facilities, the unit is responsible for responding to complaints and spills that require cleanup oversight by the unit. During fiscal year 2015, the Solid Waste and Materials Management Program received 75 complaints. Of those, our staff investigated and or inspected 51 complaints and 24 were referred to local governments or other agencies. In addition, inspectors followed up on 43 spill reports received. We followed-up on 38 of those spills to ensure appropriate cleanup actions were completed, and five spills were referred to local governments or other agencies.

Another key element of the Solid Waste Compliance Assurance Unit is providing compliance assistance to the regulated community. One of the key ways that this is accomplished is by maintaining the Customer Technical Assistance (CTA) line. The CTA line is staffed four hours per day during business hours to provide information on common waste management questions and more complex or detailed regulatory guidance. Through this phone line, division technical assistance staff responded directly to 1,782 calls and 255 emails during fiscal year 2015.

For more information on the important activities of this unit, please refer to the Solid Waste Program Annual Report which was sent out with this Newsletter.

### [Organizational/Staffing Highlights](#)

Doug Knappe recently assumed the position of Program Manager for the Hazardous Waste Program. Doug was previously the unit leader for the Hazardous Waste Permitting Unit and has extensive hazardous waste program experience. Doug has been with our Division for 20 years.

Joe Pieterick recently joined the Solid Waste Compliance Assurance Unit as a solid waste inspector. Joe received his geology degree from The University of Wisconsin-Milwaukee. His experience includes more than 20 years as an environmental consultant-geologist, with the last 16 years at A.G. Wassenaar, Inc. in Denver. He also worked as a geophysicist in the oil and gas exploration industry.